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REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: UNITED NATIONS DISARMAMENT INFORMATION PROGRAMME

Report of the Secretary-General

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I. INTRODUCTION

1. By its resolution 49/76 A, entitled "United Nations Disarmament Information Programme", adopted without a vote on 15 December 1994, the General Assembly requested the Secretary-General to submit to it at its fifty-first session a report covering both the implementation of the activities of the Programme during the previous two years and the activities contemplated for the following two years. The present report is submitted pursuant to that request. A section on the financial aspects of the Programme and information concerning the status of its Voluntary Trust Fund will be produced as an addendum to the present report.

2. The activities envisaged under the Programme have been carried out by the Centre for Disarmament Affairs within the traditional four areas: (a) regional activities; (b) information and education; (c) training; and (d) special events. In addition, the Department of Public Information, in accordance with its own mandate as well as in cooperation with the Centre, has continued to implement a number of information activities in the field.

3. With the significant changes in international affairs that have occurred over the last several years, the Programme has broadened its scope, addressing a wide range of issues that the new political climate has given rise to and, at the same time, developing means of exploring specific questions in depth. It has focused on such issues as non-proliferation in all its aspects, the negotiation of treaties, in particular a comprehensive nuclear-test-ban treaty and a nuclear-weapon-free zone treaty in Africa, the strengthening of various existing treaty regimes and ways and means of promoting regional approaches to disarmament and confidence-building.

4. As regards the future Programme, on the whole, fewer activities are contemplated than in previous years owing to the serious financial constraints under which it will have to operate. Furthermore, a steady decline over a number of years in voluntary contributions to the Programme by Member States has continued, making any long-term planning impractical.

II. ACTIVITIES IN 1995 AND 1996 AND OUTLINE OF FUTURE ACTIVITIES

A. Regional activities

5. Since the end of the cold war, the pursuit of regional solutions to regional problems has been increasingly encouraged by the international community. The Centre for Disarmament Affairs, through its regional centres, has promoted this approach by organizing, in cooperation with individual Governments, regional conferences, meetings and seminars to facilitate an exchange of ideas on both regional and global issues of disarmament and international security. Because of far fewer voluntary contributions to the regional centres, these activities were carried out on a considerably reduced scale.

B. Information and education activities

6. Information and education activities, which include the preparation and dissemination of a variety of publications, are intended mainly for professionals in the field, but serve as well non-governmental organizations, the mass media and research and academic institutions.

7. The main publication of the Centre for Disarmament Affairs is The United Nations Disarmament Yearbook, a reference volume covering the deliberations of the disarmament machinery of the United Nations, the work of the Conference on Disarmament, developments in various regions, and review conferences and other meetings of States parties to specific disarmament agreements, serviced by the United Nations at the request of the parties. The Yearbook is supplemented by the Status of Multilateral Arms Regulation and Disarmament Agreements, a compilation of the texts of relevant treaties and data on their status with respect to adherence. The Centre also publishes Disarmament: A Periodic Review by the United Nations. In addition, it has traditionally published Topical Papers, the Disarmament Study Series and the Disarmament Newsletter. As the need arises, the Centre also produces ad hoc publications. In preparing its publications, it has focused on the areas of growing concern to Member States mentioned in paragraph 3, above. Owing to financial constraints, however, publication of the Newsletter was suspended as of the middle of 1995 and publication of Topical Papers as of the beginning of 1996. The following publications were issued and distributed during this period:

(a) The United Nations Disarmament Yearbook, vol. 19 (1994) and vol. 20 (1995);

(b) Disarmament: A Periodic Review by the United Nations, vol. XVII, No. 2; vol. XVIII, Nos. 1-3; and vol. XIX, No. 1;

(c) Topical Papers, Nos. 19-21;

(d) Disarmament Newsletter, vol. 12, No. 4 and vol. 13, No. 1;

(e) The United Nations and Disarmament since 1945.

8. Dissemination of disarmament information materials will continue in so far as resources allow. It is expected that these materials will address, among other subjects: the conclusion of a comprehensive test-ban treaty, further developments in nuclear disarmament, entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, substantive preparation for the review conference of the Treaty on the Non-Proliferation of Nuclear Weapons in the year 2000, preparations for a fourth special session on disarmament, conventional disarmament and transparency, and regional arrangements. The Centre for Disarmament Affairs also intends to investigate the potential for disseminating some of its publications electronically.

9. The Centre for Disarmament Affairs continued to support the annual International Seminar on Arms Control and Disarmament, a project administered by the Baker Institute at Juniata College in Huntingdon, Pennsylvania, United

States of America. The purpose of the Seminar is to offer selected scholars and educators in arms control and disarmament an opportunity to work with prominent researchers and negotiators in these fields as part of a programme to promote education in disarmament worldwide. In the period under review, staff of the Centre participated as faculty in two seminars, which focused, in 1994, on southern Africa, and in 1995, on the Middle East, respectively. The 1996 seminar will focus on South Asia. Also during this period, the project to develop prototype courses in arms control, disarmament and security for use at the undergraduate level and in professional schools worldwide, which was sponsored by the International Association of University Presidents and in which the Centre was involved, was completed.

10. One of the activities of the United Nations Disarmament Information Programme involves speaking engagements for groups visiting the United Nations in both New York and Geneva. Some of those groups include members of parliament and elected representatives from Member States, religious groups, university, college and secondary-level students, educators and representatives of national and international non-governmental organizations. Staff of the Centre for Disarmament Affairs continued to attend and participate in events organized by non-governmental organizations and to be available for lectures at various universities.

C. Training activities

11. Two training programmes are carried out. The first, implemented through the United Nations disarmament fellowship, training and advisory services programme, is designed for young diplomats, selected primarily from developing countries.

12. The second programme, provided by the Centre for Disarmament Affairs and organized in cooperation with the United Nations ad hoc internship programme, is intended for graduate students. Students are given on-the-job training and the opportunity to follow deliberations of disarmament bodies at Headquarters. During the period under review, the Centre provided such training to six graduate students from various geographical regions.

D. Special events

13. Disarmament Week was observed by the First Committee at both the forty-ninth and fiftieth sessions of the General Assembly. In addition, the Non-Governmental Organizations Committee on Disarmament, the Centre for Disarmament Affairs and the Department of Public Information sponsored various events (see A/50/291 for events in 1994). In 1995, panel discussions focused on the nuclear-test-ban negotiations, a fissile material cut-off, the reduction of military budgets and land-mines.

14. It is expected that similar events will be held in 1996 and 1997, reflecting the concerns of the international community as outlined in paragraph 8 above.

15. Within its mandate to facilitate exchanges of views and information between governmental and non-governmental sectors, the Centre for Disarmament Affairs has usually given substantive and practical support to a panel discussion sponsored by non-governmental organizations during the session of the Disarmament Commission; in 1996, the panel's theme was "Disarmament at a critical juncture". Also in 1996, on 24 January, a panel was held to commemorate the fiftieth anniversary of the adoption of General Assembly resolution 1 (I) of 24 January 1946, on the establishment of a commission to deal with the problems raised by the discovery of atomic energy. Moreover, the Centre facilitated the participation of non-governmental organizations in two intergovernmental meetings, the 1995 Review and Extension Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in New York in 1995, and the Review Conference on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Geneva in 1995 and 1996, to the fullest extent permitted by the rules of procedure governing those two conferences.

E. Activities of the Department of Public Information

16. In accordance with its mandate and in cooperation with the Centre for Disarmament Affairs, the Department of Public Information has continued to publicize United Nations activities in the field of arms limitation and disarmament.

17. United Nations radio and television gave wide coverage, in 14 languages, to statements of the Secretary-General on the Treaty on the Non-Proliferation of Nuclear Weapons and on land-mines, to international transfers of conventional arms, biological weapons and General Assembly resolutions on disarmament and disarmament-related issues. It also produced video programmes dealing with nuclear disarmament, biological and chemical warfare and demining.

18. Through its regular publications, the UN Chronicle, the Yearbook of the United Nations, and United Nations in Brief, the Department of Public Information has routinely provided information on disarmament. During the reporting period, press releases disseminated information regarding the work of the First Committee of the General Assembly, the Disarmament Commission and the Conference on Disarmament. The Department published The United Nations and Nuclear Non-Proliferation as volume III of the Blue Book Series 1/ in English and French in March 1995. (An abbreviated version of the book was produced in Russian by the United Nations Information Centre in Moscow.) In addition, in cooperation with the Centre for Disarmament Affairs, the Department produced and disseminated a pamphlet on the United Nations Standing Advisory Committee on Security Questions in Central Africa and an update of the pamphlet "Chemical Weapons Convention: Questions and Answers".

19. The activities of the Department of Public Information include distributing, lending and screening films and videos, and answering public inquiries. Problems related to land-mines and nuclear-test-ban negotiations were highlighted at the weekly briefings to non-governmental organizations organized by the Department and held at Headquarters.

20. The United Nations information centres conducted a range of programmes to promote public awareness of the Organization's work in disarmament, especially during Disarmament Week. They distributed United Nations radio programmes on disarmament, screened or loaned relevant films and videos and gave exposure to Centre for Disarmament Affairs publications. The information centres cooperated with foreign ministries, academic institutions and national non-governmental organizations in organizing seminars and briefings on disarmament issues. In addition, information centre staff attended, as members of the conference secretariat, meetings on disarmament topics held at the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and in Japan.

Notes

1/ United Nations publication, Sales No. E.95.I.17.

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GENERAL AND COMPLETE DISARMAMENT

Letter dated 17 July 1996 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to request that the attached document, which was issued by the Government of Mexico following the rendering of the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, be circulated as a document of the General Assembly, under item 71 of the provisional agenda.

(Signed) Manuel TELLO
Ambassador
Permanent Representative

* A/51/150.

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Annex

Document issued by the Government of Mexico
in Tlatelolco on 9 July 1996

On 8 July 1996, the International Court of Justice, which has its headquarters in The Hague, delivered two advisory opinions in reply to requests addressed to it by the Assembly of the World Health Organization (WHO) and the General Assembly of the United Nations.

In the first request, dated 14 May 1993, the highest international court was asked whether, in view of the health and environmental effects, the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization. The second request, made during the forty-ninth session of the General Assembly, posed the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

During the sittings held by the International Court of Justice to permit Member States to state their views on the two questions which had been asked, the Government of Mexico, given the importance of the issues raised, decided to make a declaration to the Court, which it did on 3 November 1995. In its declaration, the Government of Mexico affirmed in unequivocal terms its position on the issue, stating as follows:

1. To put peace on a solid foundation, the force of law is necessary, and although law in itself does not guarantee peace, to disregard its principles can make any action to achieve this aim arbitrary and subjective.

2. Mexico reaffirms the absolute nature of the principle contained in the Charter of the United Nations that prohibits the threat or use of force in international relations, which obviously includes the use of nuclear weapons.

3. The threat posed to the survival of mankind by the existence of nuclear weapons grants to the international community as a whole the right to take a position on the illegality of such weapons.

4. Mexico supports the existence of norms of international law that confirm the illegal nature of the use of nuclear weapons under any circumstances whatsoever. The reasons for our opinion include the fact that use of such weapons is contrary to the spirit, letter and purposes of the United Nations and violates the international law applicable in cases of armed conflict, also known as humanitarian law. The indiscriminate effects of nuclear weapons, as evidenced by the attacks on Hiroshima and Nagasaki, provide additional arguments. Indeed, nuclear weapons do not make any distinction between armed forces and the civilian population; nuclear weapons are blind and, because of their probable effects on future generations due to their very nature, may even be considered inevitably genocidal. How is it

possible in these circumstances to deny that the use of nuclear and thermonuclear weapons is contrary to the Charter of the United Nations and is the gravest example of the use of force?

5. We endorse the position taken by the United Nations Human Rights Committee, to the effect that the testing, manufacture, possession and deployment of nuclear weapons are among the greatest threats to the right to life which confront mankind today. This threat includes not only the danger that there may be an intentional use of nuclear weapons but also use through human or mechanical error. Furthermore, the very existence and gravity of this threat creates a climate of suspicion between States, which is in itself inimical to the promotion of respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and the International Covenants on Human Rights.

The Government of Mexico takes note of the conclusions contained in the advisory opinions and expresses its satisfaction that, for the first time in history, the International Court of Justice has recognized that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law, while also recognizing that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

We regret, however, that the Court was unable to conclude whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake. This latter statement by the Court lends support to the argument that when a State is of the view that its vital interests are in danger, it may take such action as it deems appropriate, without regard to the applicable provisions of international law. For Mexico, however, the use of nuclear weapons as a form of reprisal, as well as under any other pretext, is a flagrant violation of the requirement of proportionality.

As stated by Judge Jens Evensen, a former member of the Court, in a press conference at The Hague on 13 April 1989:

> "Reprisals are themselves violations ... (and) the very nature of modern weapons is such that nuclear weapons should never be allowed to be used, never as first use, never as reprisals ... The use of nuclear weapons is the ultimate crime .... We can formulate all kinds of scenarios, but that doesn't change the basic approach that there are certain weapons of warfare that are illegal and criminal and the behaviour of the other party doesn't make them legal".

The legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, which was recognized in the opinion delivered by the Court, confirms the urgent necessity of continuing our collective efforts in this area and supports Mexico's long-held view that such negotiations are not only the responsibility of the nuclear Powers among themselves but of the international community as a whole. In

practical terms, this means that there must be strict compliance with three objectives set out in the Final Document (which was adopted by consensus) of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held last year, which includes: (a) the conclusion of a Comprehensive Nuclear-Test-Ban Treaty no later than 1996; (b) the immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices; and (c) the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons.

To sum up, while incomplete in its conclusions, the advisory opinion of the Court supports the efforts which Mexico has been making within the United Nations to advance towards the goal of general and complete disarmament, beginning with nuclear disarmament.